

1 BILL NO. Z-84- 07-09

2 ZONING MAP ORDINANCE NO. Z-20-84

3  
4 AN ORDINANCE amending the City of  
5 Fort Wayne Zoning Map No. R-18.

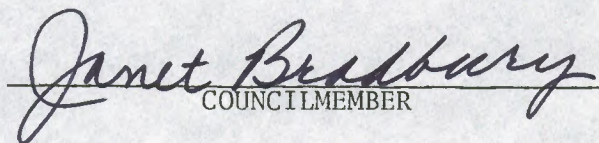
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
7 INDIANA:

8 SECTION 1. That the area described as follows is hereby  
9 designated a B-1-A (Limited Business) District under the terms of Chapter 33  
10 of the Code of the City of Fort Wayne, Indiana of 1974:

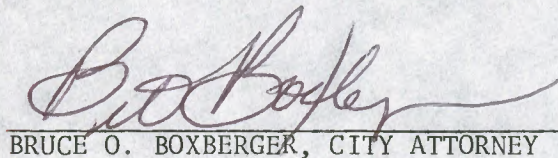
11 Lot 14 & 15 in Bellair Addition as recorded in  
12 the Plat Book 17 page 52

13 and the symbols of the City of Fort Wayne Zoning Map No. R-18, as established  
14 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
15 are hereby changed accordingly.

16 SECTION 2. That this Ordinance shall be in full force and  
17 effect from and after its passage and approval by the Mayor.

18   
19 COUNCILMEMBER

20 APPROVED AS TO FORM AND LEGALITY:

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23 BRUCE O. BOXBERGER, CITY ATTORNEY

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Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.

DATE: 7-10-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>4</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: August 28, 1984

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~

~~(SPECIAL)~~ ~~(ZONING MAP)~~ ORDINANCE (RESOLUTION) NO. 3-20-84

on the 28th day of August, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Ray A. Eboir  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of August, 1984, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of August, 1984, at the hour of 4:00 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We BMRC Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-1 District to a/an BLA District the property described as follows:

Lot # 14 & 15 Bellair Addition as recorded in the Plat Book 17 Page 52

(Commonly known as: 2324 Hobson Rd.)

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

BMRC Inc.

19209 Hand Rd.

By: 

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Planning Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Planning Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

James A. Federoff, Attorney  
(Name)

448 Utility Building  
(Address & Zip Code)

423-1546  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-07-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1984;

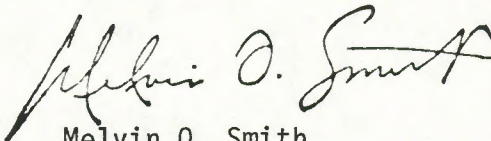
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Finding's of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the Comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 23, 1984.

Certified and signed this  
13th day of August 1984.

  
Melvin O. Smith  
Secretary



84-20645

RESTRICTIVE COVENANT

COPY

Bloom, Morrison, Rutsey & Ceccanese, Inc., an Indiana corporation, (hereinafter called "BMRC") by May Rose Ceccanese, its President and Judy Rutsey, its Secretary, hereby declares that as the owner of record of the following described real estate located in the City of Fort Wayne, Indiana, Allen County, Indiana, to-wit:

Lots numbered 14 and 15 in Bellair Addition to the City of Fort Wayne, Indiana according to the plat thereof as recorded in Plat Book 17, page 52 in the Office of the Recorder of Allen County, Indiana (hereinafter called the "Real Estate");

and based upon the anticipated approval by the Common Council of the City of Fort Wayne, Indiana a zoning ordinance amendment of the existing zoning classification of the Real Estate from R1 to B1A, does hereby impose upon the Real Estate, the restrictive covenant hereinafter set forth, which covenant shall run with the land and be considered as part of all subsequent conveyance of the Real Estate, or any portion thereof, without such restriction being expressly stated in such conveyance, which covenant shall inure to the benefit of and be enforceable by the City of Fort Wayne, Indiana and/or adjacent land owners and which covenant may not hereafter be amended or modified except with the prior approval of the Plan Commission of the City of Fort Wayne, Indiana, to-wit:

1. Of the various permitted uses allowed in a "B1A" zoning district, under Article IV, Section 33-14.E. of the City of Fort Wayne Zoning Ordinance, General Ordinance No. G-06-80, as amended, the Real Estate may only be used for the following purposes:

- a. Office;
- b. Beauty Parlor;
- c. Barber Shop;
- d. Cosmetics Store; and/or
- e. Uses accessory to the above.

1984 AUG 27 AM 11:17  
ALLEN COUNTY RECORDER  
*Virginia S. Young*

The undersigned persons executing this covenant represent and certify on behalf of BMRC That they are duly elected officers thereof and have been fully empowered by proper resolution, or the by-laws of

DULY ENTERED FOR TAXATION

AUG 25 1984

*Gloria J. Goggin*  
AUDITOR OF ALLEN COUNTY

INSTRUMENT S 6122



this covenant has been duly taken.

BLOOM, MORRISON, RUTSEY & CECCANESE, INC.

May Rose Ceccanese, its President

Attest:

Judy Rutsey, its Secretary

STATE OF INDIANA )

SS:

COUNTY OF ALLEN )

Before me, a Notary Public in and for said County and State, personally appeared May Rose Ceccanese and Judy Rutsey, the President and Secretary respectively, of Bloom, Morrison, Rutsey & Ceccanese, Inc., who acknowledged the execution of the foregoing Restrictive Covenant for and on behalf of said corporation, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 24th day of July, 1984.

Resident of ALLEN County, Indiana

My Commission Expires:

9/17/84

This instrument prepared by James A. Federoff, Attorney at Law.

Mail to:



*Halt*  
*8/28/84*

*Harrison*  
*Road*

BILL NO. Z-84-07-09

REPORT OF THE COMMITTEE ON REGULATIONS  
*Committee of the whole*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. R-18

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HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

*[Signature]*  
*[Signature]*  
*[Signature]*

CONCURRED IN F-28-84  
SANDRA E. KENNEDY, CITY CLERK

*[Signature]*  
*[Signature]*

# RECEIPT

*ck # 5061*

COMMUNITY DEVELOPMENT & PLANNING

No 10719

FT. WAYNE, IND.,

*6/19* 19 *84*

RECEIVED FROM

*Hair Gallery*

\$ *50.00*

THE SUM OF

*fifty*

100 DOLLARS

ON ACCOUNT OF

*reopening - R-1 B-J-A*  
*Post*

AUTHORIZED SIGNATURE

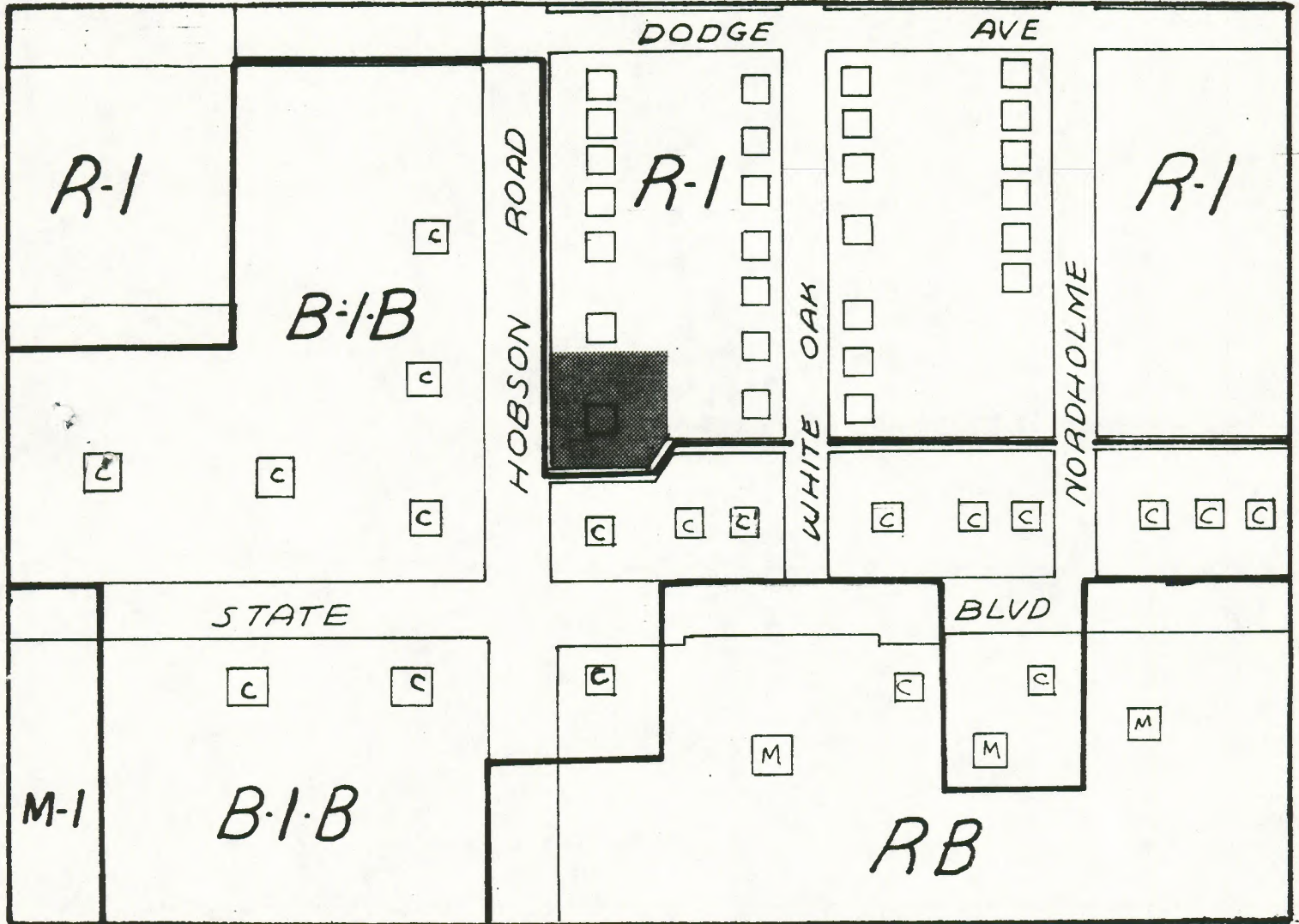


# ZONING PETITION - 78

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B1A DISTRICT.

MAP NO. R-18

COUNCILMANIC DISTRICT NO. #2



## ZONING

RI RESIDENTIAL DISTRICT  
RB RESIDENTIAL DISTRICT  
BIB BUSINESS DISTRICT  
MI LIGHT INDUSTRIAL

## LAND USE

□ SINGLE FAMILY  
■ MULTI-FAMILY  
□ COMMERCIAL

SCALE: 1"=200'

# 1-04-02-09

6-20-84

-16-





**FACT SHEET**

Z-84-07-09

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE**

None

**REASON****DETAILS****Specific Location and/or Address**

2324 Hobson Road

**Reason for Project**

Beauty Salon

**Discussion (Including relationship to other Council actions)**

James Federhoff, Attorney for the petitioner BMRC, Inc. stated that the Mr. & Mr. Lombard the principals in a company known as the Hair Care Center wished to construct a beauty salon on this location. He stated that the property is in a rundown condition and has been for 2 years. He had letters of support or no opposition from the adjacent property owners as well as neighborhood residents. He stated they are willing to covenant the property against any uses allowed in a B-1-A except those related to hair care.

Mr. Lombard, petitioner, stated they intend to construct a 1-story pitch roof building to blend in with the residential character of the area. He state they would buffer the property with a 6 foot high stockade fence that would surround the entire property that is adjacent to residential as well as using shrubbery to muffle noise. He stated they have 20 parking spaces and will not require any additional curb cuts.

There was no one in opposition or to speak in favor of the rezoning request.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

BMRC, Inc.

City Department

Other

**Opponents****Groups or Individuals**

None

**Basis of Opposition****Staff  
Recommendation**☐ For☒ Against**Reason Against**

Adverse impact on area.

**Board or  
Commission  
Recommendation****By**☐ For☐ Against☐ No Action Taken☒ For with revisions to condition  
(See Details column for condition)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pas



# DETAILS

Business Meeting - July 23, 1984

The Plan Commission Site Committee recommended denial stating that they felt it was spot zoning and recommending a new zoning district be created for fringe neighborhood commercial areas.

The motion to deny failed for a lack of a majority vote.

Following discussion a motion was made to approve the request with the condition that a restrictive covenant be placed on the property allowing only the following uses in the B-1-A:

1. Office
2. Beauty Parlor
3. Barber Shop
4. Cosmetics Store; and/or
5. Uses accessory to the above.

Motion carried.

The covenant has been submitted and approved by the City Attorney.

## POLICY / PROGRAM IMPACT

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date June 19, 1984

Projected Completion or Occupancy Date August 13, 1984

Fact Sheet Prepared by Pat Biancaniello Date August 13, 1984

Reviewed by Date

Reference or Case Number



ORIGINAL

DIGEST SHEET

Admn. Appr.

ORIGINAL

3-84-0709

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 14 & 15 in Bellair Addition, commonly known as 2324 Hobson Road.

Councilmanic District No. 2

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.  
Property will remain B-1-A - Limited Busines.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))